

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:09cv200

THOMAS J. MILLER,

Plaintiff,

vs.

**INGLES; SUNNY CLARK, Head of
Security; WACKENHUT CORP.;
MAJOR TERRY NORRIS;
EXECUTIVE SECURITY SERVICES;
and BOB COPELAND, Owner,**

Defendants.

ORDER

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation [Doc. 46], filed on October 30, 2009, and the Plaintiff's "Response to Memorandum and Recommendation" [Doc. 47], filed on November 12, 2009.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendants Ingles Markets, Inc.'s and Sunny Clark's Motion to Dismiss [Doc. 12]; Defendant Maj. Terry Norris's Motion to Dismiss Plaintiff's Complaint [Doc. 14];

Defendant The Wackenhut Corporation's Motion to Dismiss Plaintiff's Complaint [Doc. 16]; Defendant Executive Security Services' Motion to Dismiss [Doc. 30]; Defendant Bob Copeland's Motion to Dismiss [Doc. 32]; and Defendants Maj. Terry Norris's and The Wackenhut Corporation's Motion to Strike [Doc. 43].

On October 30, 2009, the Magistrate Judge entered a Memorandum and Recommendation [Doc. 46], recommending that the Defendants' Motions to Dismiss [Doc. 12, 14, 16, 30, 32] and Motion to Strike [Doc. 43] be granted. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within ten days of service of the same. On November 12, 2009, the Plaintiff filed a "Response" to the Memorandum and Recommendation indicating that while he does not agree with the outcome, "he does respect Judge Howell's decision." [Doc. 47].

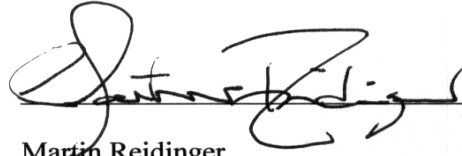
As the Plaintiff has not made any specific objections to the Magistrate Judge's Recommendation, the Court is not obligated to conduct a de novo review of the factual or legal conclusions of the Magistrate Judge. See Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 472, 88 L.Ed.2d 435 (1985). After a careful review of the Magistrate Judge's

Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendants' Motions to Dismiss [Doc. 12, 14, 16, 30, 32] and Motion to Strike [Doc. 43] be granted.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendants Ingles Markets, Inc.'s and Sunny Clark's Motion to Dismiss [Doc. 12]; Defendant Maj. Terry Norris's Motion to Dismiss Plaintiff's Complaint [Doc. 14]; Defendant The Wackenhut Corporation's Motion to Dismiss Plaintiff's Complaint [Doc. 16]; Defendant Executive Security Services' Motion to Dismiss [Doc. 30]; Defendant Bob Copeland's Motion to Dismiss [Doc. 32]; and Defendants Maj. Terry Norris's and The Wackenhut Corporation's Motion to Strike [Doc. 43] are **GRANTED**; the Plaintiff's Brief in Reply to Defendant's Reply Memorandum [Doc. 42] is **STRICKEN**; and this action is hereby **DISMISSED** in its entirety as to all claims and all Defendants.

IT IS SO ORDERED.

Signed: November 24, 2009


Martin Reidinger
United States District Judge

